

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

FILED

ROSALYN RAEI,

02 SEP 25 PM 3:09

Plaintiff,

v.

No. CIV-02-0168 JP LFG

TAOS GROUP HOME, INC., d/b/a CASA
DE CORAZON, and MARGARET
COHENHAUR, Individually and as
Executive Director of Taos Group Home, Inc.,

Defendant.

ANSWER TO FIRST AMENDED COMPLAINT

Taos Group Home, Inc., d/b/a Casa De Corazon and Margaret Cohenour, individually and as Executive Director of Taos Group Home, Inc. file this their answer to plaintiff's first amended complaint as follows:

1. Defendants deny the allegations of paragraphs 5, 6, 7, 8, 9, 10, 11, 12, 14, 16, 19, 20, 21, 22, 23, 24, 25, 26, 31, 32, 35, 36, 38, 39, 41, 42, 43, 44, 45, 46, 50, 51, 52, 53, 55, 56, 57, 59, 60, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 74, 76, 77, 79, 80, and 81.
2. Defendants admit the allegations of paragraphs 1, 3, 15, 18 and 48.
3. As to paragraph 2, Defendants deny that Gene Sanchez is the agent for service of process but admit the other allegations.
4. As to paragraph 4, Defendants deny that plaintiff was "promoted" to interim Executive Director", but admit the other allegations.
5. As to paragraph 12, Defendants admit plaintiff was placed on leave, but deny the remaining allegations.
6. As to paragraph 13, Defendants admit that plaintiff was terminated but deny that

no reason was given.

7. As to paragraph 27, Defendants deny that such a charge was timely or otherwise properly filed as to Margaret Cohenour.

8. As to paragraph 28, Defendants deny that the determination is as characterized by plaintiff and state that the document speaks for itself.

9. As to paragraphs 17, 29, 30, 33, 34, 37, 40, 47, 49, 54, 58, 61, 73, 78, and 82, Defendants do not believe they require admission or denial but to the extent they may be so construed, they are denied.

AFFIRMATIVE DEFENSES

10. Plaintiff's complaint fails to state a claim upon which relief can be granted, specifically but not limited to counts I, II, III, IV, V, VI, VII, and "IX: Civil Conspiracy".

11. Plaintiff has failed to exhaust her administrative remedies.

12. Plaintiff's claims are time-barred.

13. Plaintiff's claims against Margaret Cohenour in her individual capacity fail to state a claim upon which relief can be granted as no individual liability exists under Title VII or the new Mexico Human Rights Act.

14. Defendants did not discriminate or retaliate against plaintiff on any basis.

15. Plaintiff's termination was based on her performance and other legitimate, non-discriminatory and non-retaliatory reasons.

16. Plaintiff has failed to mitigate her damages, if any, which are denied. Any such damages should be offset and reduced by any wages or other compensation plaintiff has earned since her termination.

17. Any damages sustained by plaintiff because of her termination are due to her own

conduct, in whole or in part.

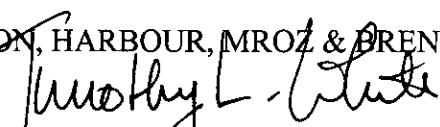
18. Defendants deny any liability for punitive damages upon any legally recognized basis.

19. Plaintiff was an at-will employee and no policy, handbook or any other writing or practice of defendants gives rise to any form of employment contract related to plaintiff's employment by defendants.

For the reasons stated Defendants request that the court enter an order denying plaintiff any of the relief requested in her complaint, and this lawsuit be dismissed, and defendants be awarded their costs of defense and all other available relief to which the Court finds them entitled.

MADISON, HARBOUR, MROZ & BRENNAN, P.A.

By _____

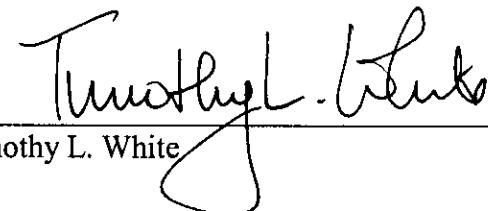

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Attorneys for defendants

I hereby certify that on the 24th day of September, 2002,
a copy of the foregoing was mailed and faxed to:

Samuel M. Herrera, Esq.
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PO Box 2345
Taos, NM 87571

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Timothy L. White